



**AFFIDAVIT IN SUPPORT OF PETITION TO INSTITUTE PUBLIC USE
PROCEEDINGS**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: W. Jeffrey Chandler et al
Serial No. 09/834,175
Publication No. US2002/0032599
Publication date March 14, 2002
Filed: April 12, 2001
For: SYSTEM AND METHOD FOR VENTURE ACCLERATION

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**AFFIDAVIT OF GARNET HERAMAN IN SUPPORT OF PETITION TO INSTITUTE PROTEST AND
PUBLIC USE PROCEEDINGS**

State of New Jersey
County of Essex

ss:

RECEIVED
APR 12 2004
GROUP 3600

Dear Sir:

1. I am employed as the President of Venture Vortex, Inc., Inc., 4600 South Syracuse, 10th Floor, Denver CO 80237, where I have been employed for approximately the last three years since August 1999. I was initially a founder and established the business, and have held my present position during that time.
2. In my present position, I am generally responsible for purchasing goods and professional services for use and/or resale by Venture Vortex, Inc. and am responsible for all of the documentation involving purchasing and sales for the Company.
3. In my present position, I am specifically responsible for purchasing and maintaining certain intangible assets and intellectual property necessary for developing the Venture Vortex, Inc. web site. In this capacity, I purchased the web site address or URL (www.venture-Vortex.com, www.venture-Vortex.org, www.venture-Vortex.net) for use by the Company in deploying its public web site as part of its overall business strategy. Through certain agents of the company, I also purchased the website addresses or URL www.venture-Vortex.com, www.venture-Vortex.org, www.venture-Vortex.net
4. In my present position, I am also specifically responsible for developing the concept, content, features and functionalities that comprise the Venture Vortex, Inc. web site, as well as identifying the vendors and service providers who contribute to this aspect of the Company's public manifestation.

5. I am intimately familiar with the Company's purchasing procedures and the documentation of all commercial engagements, including purchase orders, packing slips, and invoices, which are used in communicating with vendors and service providers, ordering goods and documenting the receipt thereof.


6. In purchasing goods or services, Venture Vortex, Inc. typically enters into a Letter Agreement which identifies the vendor, describes the goods or services and indicates pertinent details of the good or services ordered (including without limitation unit number, size, catalog number, activities, deliverables, deadlines, and pricing data as applicable) and the date on which the agreement was signed.

7. Prior to the receipt of goods or the commencement of services which have been ordered by the Company under an agreement, it is the regular practice of the Company to draft and sign off on a Project Plan with the provider of goods or services. This document contains the agreed-upon details of the commercial engagement (including without limitation unit number, size, catalog number, activities, deliverables, deadlines, and pricing data as applicable) and the date on which the Project Plan was signed.

8. After receipt of the goods or services, or the relevant portion of these goods or services, it is the regular practice of the Company to request written Vendor Invoices for payment or partial payment of the costs incurred from a commercial engagement.

9. The dated and initialed or signed copies of the documentation received with goods or services ordered by the Company are regularly maintained in the files of the Company, which are kept under my supervision and control.

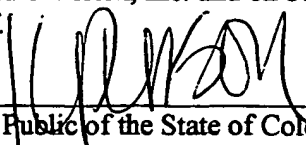
10. Upon receipt of an invoice for goods or services ordered and received by the Company, the invoice is recorded and date filed under the supervision and control of the Company's financial controller and processed for payment in due course. It is the regular practice of the Company to make payment by credit card or by check. Copies of the relevant statements and/or checks are regularly maintained in the files of the Company.


Garnet Heraman,
President, Venture Vortex, Inc.

Subscribed and sworn to before
me this 1 day of October 2003

State of Colorado)
) SS.:
County of Arapahoe)

On 10/1, 2003 before me personally appeared Garnet Heraman, to me known and known to me to be the person described in and who executed the foregoing AFFIDAVIT on behalf of Venture Vortex, Inc. and on behalf of himself personally and duly acknowledged the execution thereof.


Notary Public of the State of Colorado
(Affix Notary Stamp or Seal)



My Commission Expires 04/30/2007

Protest Under 37 C.F.R. 1.291(a) and 291(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	W. Jeffrey Chandler et al
Serial No.	09/834,175
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Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

The undersigned, having reviewed the specification and the claims of the above identified patent application publication, and having formed the opinion that the subject matter of said publication is not patentable in view of certain prior art references and other information, and as a consequence thereof being further of the opinion that a grant by the United States Patent and Trademark Office of a patent to the applicant of the above-identified patent publication would be contrary to the public interest, does hereby protest the publication or application pursuant to 37 C.F.R. § 1.291(a).

Attached hereto in accordance with 37 C.F.R. § 1.291(a) is proof of service of the protest on W. Jeffrey Chandler, applicant of the above-identified patent publication.

Submitted herewith in accordance with 37 C.F.R. § 1.291(b) are: (1) a listing on the accompanying form PTO-1449 of the publications and other information relied upon; (2) a concise explanation of the relevance of each of the listed items; and (3) a copy of each publication, Internet web page or other items of information in written form or at least portions thereof relied upon.

The Subject Matter of the Publication
The Abstract

U.S. Serial No. 09/834,175; Publication No. US2002/0032599; filed April 12, 2001, published on March 14, 2002 is directed to a SYSTEM AND METHOD FOR VENTURE ACCELERATION (See Exhibit AK).

The Abstract states: "A web-centric application which acts as a beacon for an entrepreneurial and venture capital community or series of communities that offers a plurality of interactive products that primarily profile, map and match needs to capabilities for new and improved methods for venture incubation and acceleration. A set of interactive business planning and management tools, and, access to capital, investments, strategic alliances, and mergers and acquisitions that offer electronic access and downloadable hard copy within a private self-contained profiling system that maximizes business efficiencies. A method for the formulation of a virtual local community

through one or a series of nodes that are capable of being connected through a central point or associated links in order to enhance and expand knowledge-bases, services, networks and business opportunities. A method for collaboration and networking amongst the members within the local community(s)."

The Claims

Independent claims 1, 3, and 5 claim:

1. A method using web-assisted application as an entrepreneurial and venture capital community resource and collaboration center and portal for venture incubation and acceleration; the system is provided by the use of a local computer terminal that accesses the web site via an intranet/extranet/internet connected to a web-server.
3. A web-based method for entrepreneurs to access capital (financial and intellectual) and to enhance their business through interactive predefined business planning and operational/management tools, needs posting system, knowledge-base, collaboration, and with proactive electronic alerts.
5. A web-based method for investors to access venture deals, enhance knowledge and expand networks through an interactive profiling, mapping and matching of entrepreneurial company needs to investment capabilities, knowledge-base, collaboration, and with electronic proactive alerts.

The Protestor's Statement Summary

Under Section 102 (a), Section (b), and Section 103.

USC 35 § 102 (a) and 102 (b)

Protestor believes there is a statutory bar to inventor under Section 102 (a) and possibly under Section 102 (b). Under Section 102 (a) the inventor is not entitled to a patent because the claimed invention was known and used by Protestor in the United States of America, was described in printed publications in the USA before the invention by the application for patent. The key dates and corresponding supporting documentation follows.

Protestor, Venture-Vortex, Inc. President Garnet Heraman, states that they had a Web Site available to the public that could be found on the Internet by at least September, 1999, offering the same services Applicant claims to have invented. Protestor's domain name, Venture Vortex.com, .net, .org registration dated September 8, 1999, see Exhibit A.

Internet web site <http://web.archive.org/web/20000302083359/http://www.venture-Vortex.com>.) of the Internet archives, (www.archive.org) shows a home page with a 1999 copyright notice for Protestor's company, Venture-Vortex, Inc., see Exhibit B. In the text of that home page it states, "Venture-Vortex, Inc., users, who sign on to the site, develop highly customized and sophisticated ventures completely on-line. All parties to the venture process participate in an on-line community that is focused on rapidly creating and evolving ventures around innovative technologies", and a link to participate in your mailing list. It goes on to state "Enter your e-mail address to receive news about our December 1999 launch." If one clicks on the "Who we are and what we can do for you" link, it reads: "Enter Venture Vortex, Inc., where users develop highly customized and sophisticated ventures completely on-line. All parties to the venture process

participate in an on-line community that is focused on rapidly creating and evolving ventures around innovative technologies. The beauty of this integrated community is ultimately that it compresses the time frame in which ventures are created, evolved, weeded out and matured to create a value pool." See attached copy of current Protestor's web site Exhibit AJ and see copy of Patent application publication Exhibit AK.

In September 8, 1999 from Network Solutions (the official registrar of web site addresses) a WHO IS search results evidencing purchase of a website address on October 1, 1999 by Venture-Vortex, Inc., see Exhibit A.

Project Roadmap drafted by the independent contractor, Pathfinder Associates, (in Conjunction with Venture Vortex, Inc.) evidencing the general outline of work to be performed and timeline for the engagement. This shows the prior information developed for the Web Page and services offered by Protestor, see Exhibit C.

A Letter of Agreement dated October 19, 1999 retaining Pathfinder Associates by Venture-Vortex, Inc. as a vendor, evidencing hosting/deployment of the initial public site on the Internet by Protestor and development of a new, expanded site going forward, see Exhibit D.

November 1, 1999 Project Plan drafted by Pathfinder Associates (in conjunction with Venture Vortex, Inc.) evidencing specific details of the technical and creative services work to be performed under the engagement, see Exhibit G.

Various meeting notes, emails, working plans, outlines etc dating from the time period October through December 1999, all being communications around the development of the site and commercial entity that would manage the business associated with the site. In aggregate this material contains references that closely and perhaps exactly matches the independent claims of the '599 publication that Protestor is challenging, and that is proffered as a "notebook" chronicling the conception and commercialization of the Protestor's system predating and published in advertisements and most assuredly on the Internet disclosing the claims of the '599 publication, see Exhibits E, F, G, H, I, and K.

Finally, A digital copy of the Protestor's October 19, 1999 Letter Agreement cited above showing the actual document creation data clearly shows that it was by and for the Protestor in 1999. This further shows that the Web Site was available for the public to use before Applicant's invention.

USC 35 §103 Non-obvious subject matter states, "A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title if the difference between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person of ordinary skill in the art to which said subject matter pertains". Protestor states that Applicant is not entitled to a patent because of the existence of the published prior art listed above by Protestor. All the published references dating from November 1999 already listed above are also submitted for consideration under Section 103. Applicant should not be entitled to a patent grant.

VENTURE VORTEX, INC. INFORMATION EXHIBITS

Exhibits for consideration for Protest under Sections 102 (a), 102 (b), and Section 103

Date

9/8/1999

Title and Exhibit Notation

Venture Vortex registration of domain name, see Exhibit A.

3/8/2000	Venture Vortex, Inc. announces new model for start-up portal, see Exhibit L.
3/15/2000	Venture Vortex, Inc. announces new site to fuel smarter start-ups (include circled items), see Exhibit M
4/20/2000	Venture Vortex, Inc. in the news, see Exhibit N.
5/22/2000	Venture Vortex, Inc. announces site launch and partners, see Exhibit O.
5/23/2000	Yahoo, Venture Vortex, Inc. announces site, see Exhibit P.
7/10/2000	Venture Vortex, Inc. joins forces with newmediary.com., see Exhibit Q, and R.
8/2/2000	New Venture Vortex, Inc. announces itself, see Exhibit S.
2/13/2001	Venture Vortex, Inc. uses e-room workplace as platform for cross-enterprise collaboration for Venture Capital Market, see Exhibit T.
3/19/2001	Lesson learning a new role, see Exhibit U
3/2001	Timely decisions, the Edward Lowe Report, March 2001, Volume 3, No.3, see Exhibit V.
No date	Venture Vortex, Inc., see Exhibit W.
No date	Venture Vortex, Inc., see Exhibit X.
No date	Venture Vortex, Inc., see Exhibit Y.

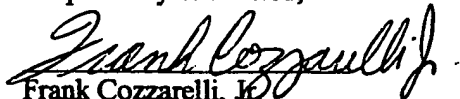
WEBSITE TECHNICAL DOCUMENTS

10/1999	Venture Vortex web site Project Plan and Overall Project Roadmap as of 10/1999, see Exhibit C.
11/1999	Venture Vortex web site Project Plan, see Exhibit G
2/25/2000	Technical Documentation Logo design, see Exhibit Z
10/17/2000	Technical Requirements, see Exhibit AA.
10/27/2000	Content Strategy, see Exhibit AB.
10/31/2000	Technical Architecture, see Exhibit AC

WEB FEATURE INFORMATION

Edit Community resources, see Exhibit AD
 My V-Room, see Exhibit AE.
 Configure Venture Vortex, Inc. Deals, see Exhibit AF.
 Home Page, see Exhibit AG
 Venture Vortex, Inc. Deals, see Exhibit AH.
 Core Business Process Flows for Venture Vortex, Inc. v 2.0; see Exhibits C, and AI
 Protestor's web site pages as of 8/29/2002, see Exhibit AJ

Respectfully submitted,



Frank Cozzarelli, Jr.
 Attorney for Protestor
 Reg. No. 31343
 Cozzarelli Law Firm, P.A.
 727 Joralemon Street
 Belleville, NJ 07109
 973-751-4104

Certificate of Service

It is hereby certified that a copy of this PROTEST under 37 C.F.R. § 1.291 (a) was mailed, first class, postage prepaid, to W. Jeffrey Chandler, 10186 E Kalli Drive, Scottsdale, AZ 85260, applicant, for this publication:

Serial No. 09/834,175

Publication No. US2002/0032599

Publication date March 14, 2002

Filed: April 12, 2001

For: SYSTEM AND METHOD FOR VENTURE ACCLERATION,

this 8 day of October, 2003.



Frank Cozzarelli, Jr.

Attorney for Petitioner

Reg. No. 31343

(973)-751-4104

Cozzarelli Law Firm, P.A.

727 Joralemon Street

Belleville, NJ 07109

US PATENT & TRADEMARK OFFICE

PATENT APPLICATION FULL TEXT AND IMAGE DATABASE



(1 of 1)

United States Patent Application**20020032599****Kind Code****A1****Chandler, W. Jeffrey ; et al.****March 14, 2002****System and method for venture acceleration**

Abstract

A web-centric application which acts as a beacon for an entrepreneurial and venture capital community or series of communities that offers a plurality of interactive products that primarily profile, map and match needs to capabilities for new and improved methods for venture incubation and acceleration. A set of interactive business planning and management tools, and, access to capital, investments, strategic alliances, and mergers and acquisitions that offer electronic access and downloadable hard copy within a private self-contained profiling system that maximizes business efficiencies. A method for the formulation of a virtual local community through one or a series of nodes that are capable of being connected through a central point or associated links in order to enhance and expand knowledge-bases, services, networks and business opportunities. A method for collaboration and networking amongst the members within the local community(s).

Inventors: **Chandler, W. Jeffrey; (Scottsdale, AZ) ; Hald, Alan Philip; (Phoenix, AZ) ; Williams, Quinn; (P. Valley, AZ)**

Correspondence **W. Jeff Chandler**
Name and **10186 E Kalil Dr.**
Address: **Scottsdale**
AZ
85260
US

Serial No.: **834175**

Series Code: **09**

Filed: **April 12, 2001**

U.S. Current Class:

705/10; 705/14

U.S. Class at Publication:

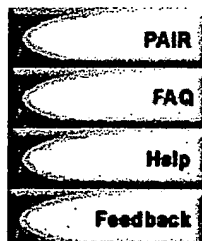
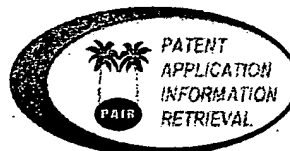
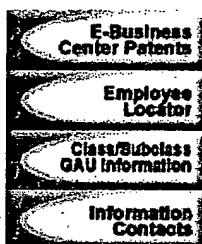
705/10; 705/14

Intern'l Class:

G06F 017/60



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Search results for application number: 09/834,175			
Application Number:	09/834,175	Customer Number:	-
Filing or 371(c) Date:	04-12-2001	Status:	Docketed New Cas Ready for Examinati
Application Type:	Utility	Status Date:	11-27-2001
Examiner Name:	DIXON, THOMAS A	Location:	TC 3600 INCOMING I PK5-2B21
Group Art Unit:	3629	Location Date:	03-08-2004
Confirmation Number:	2673	Earliest Publication No:	US 2002-0032599 A1
Attorney Docket Number:	-	Earliest Publication Date:	03-14-2002
Class/ Sub-Class:	705/001	Patent Number:	-
First Named Inventor:	W. Chandler, Scottsdale, AZ (US)	Issue Date of Patent:	-
Title Of Invention:	System and method for venture acceleration		

Select Search Option

Continuity Data

Published Documents

Search

File History		
Number	Date	Contents Description
12	03-05-2004	Petition Decision - Dismissed
11	10-14-2003	Petition Entered
10	04-23-2002	Case Docketed to Examiner in GAU
9	12-06-2001	Case Docketed to Examiner in GAU
8	11-27-2001	Case Docketed to Examiner in GAU
7	10-18-2001	Application Dispatched from OIPE
6	10-05-2001	Application Is Now Complete
5	06-07-2001	Notice Mailed--Application Incomplete--Filing Date Assign d
4	06-06-2001	Correspondence Address Change
3	05-29-2001	IFW Scan & PACR Auto Security Review
2	04-30-2001	IFW Scan & PACR Auto Security Review
1	04-12-2001	Initial Exam Team nn

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